

RETURN DATE: February 26, 2019	:	SUPERIOR COURT
JASON SANTIAGO	:	J.D. NEW HAVEN
V.	:	AT NEW HAVEN
CITY OF NEW HAVEN	:	JANUARY 17, 2019

COMPLAINT

1. On November 22, 2016, at approximately 3:04 a.m., the plaintiff, Jason Santiago (hereinafter "Officer Santiago"), was a police officer employed by the Defendant, City of New Haven.

2. On said date and at said time, in the course of his employment, Officer Santiago was operating a police cruiser owned by the Defendant, in a southerly direction on Blatchely Avenue near the intersection of Wolcott Street in the City of New Haven, Connecticut. Officer Santiago's partner, Hugo Villacres, was a front seat passenger in the police cruiser.

3. On said date and at said time, an unidentified, uninsured male tortfeasor (hereinafter "Doe"), was operating a motor vehicle at a high rate of speed in an easterly direction on Wolcott Street approaching the intersection with Blatchely Avenue.

4. On said date and at said time, as Officer Santiago entered the intersection of Blatchely Avenue and Wolcott Street, Doe's vehicle sped into said intersection and violently collided with the passenger side of Officer Santiago's police cruiser in a T-bone fashion, causing the injuries and losses more fully set forth below.

5. The significant impact and force of the collision caused Officer Santiago's police cruiser to spin sideways striking both a parked car and then a utility pole. The police cruiser then jumped the curb and traveled over the sidewalk and into the front yard of a private home, striking a vehicle parked in the driveway of that home, before coming to rest.

6. Immediately after the subject collision, Doe abandoned his disabled vehicle in the middle of the roadway and fled the accident scene on foot.

7. Officer Santiago extricated himself from the crushed police cruiser by climbing out the driver's side window. After checking on the condition of his partner and ensuring his partner's safety, Office Santiago then pursued Doe on foot, but he was unable to find and apprehend Doe.

8. Subsequent responding police officers, as well as an ongoing police investigation, failed to apprehend and/or identify Doe, and Doe remains unidentified at the present time.

9. Said collision was the result of the negligence and carelessness of the tortfeasor, Doe, in one or more of the following ways:

- a. IN THAT he was inattentive and failed to keep a proper lookout for other vehicles around him, especially the plaintiff's vehicle;
- b. IN THAT he was operating his vehicle at an unreasonable rate of speed, having due regard for the traffic, weather, width and use of said roadway in question;
- c. IN THAT he failed to apply his brakes in time to avoid the subject collision, although he could have and should have done so;

- d. IN THAT he failed to keep his vehicle under a reasonable and proper control so as to enable him to stop in time to avoid the subject collision;
- e. IN THAT he failed to bring his vehicle to a stop in compliance with a posted stop sign;
- f. IN THAT he failed to yield the right of way to the plaintiff's vehicle, which was proceeding straight and had the right of way through the subject intersection;
- g. IN THAT he failed to maneuver his vehicle in such a manner so as to avoid the subject collision, although by a proper and reasonable exercise of his faculties he could have and should have done so;
- h. IN THAT he operated his vehicle at an unreasonable rate of speed, having due regard for the weather, width and use of said roadway or highway in violation of Connecticut General Statute § 14-218(a);
- i. IN THAT he failed to yield the right-of-way to the plaintiff's vehicle in violation of Connecticut General Statute § 14-242(e);
- j. IN THAT he was operating his vehicle at a speed in excess of the posted speed limit in violation of Connecticut General Statute § 14-219;
- k. IN THAT he was operating his vehicle recklessly in violation of Connecticut General Statute § 14-222;
- l. IN THAT he fled the scene after the collision and thereby attempted to evade responsibility in violation of Connecticut General Statute § 14-224; and
- m. IN THAT he failed to stop for a posted stop sign, in violation of Connecticut General Statute § 14-301.

10. As a direct result of the negligence and carelessness of the tortfeasor as aforesaid, the plaintiff was violently thrown about the interior of his vehicle. Subsequent examination and medical treatment have disclosed that the plaintiff suffered the

following injuries, some or all of which may be permanent in nature, including but not limited to:

- a. A traumatic injury to the muscles, tendons and ligaments of the right and left knee, and lower extremities, resulting in chronic pain, crepitus, reduced strength, edema, weakness upon standing and walking, as well as pain, tenderness and weakness in the other muscles, tendons and ligaments of the lower extremities;
- b. A traumatic injury to the muscles, ligaments, tendons and joint of the left shoulder;
- c. A traumatic injury to the jaw and surrounding facial area and teeth, resulting in a misalignment of the upper and lower teeth, causing pain, difficulty chewing, teeth grinding, and headaches;
- d. A traumatic injury to the head, also resulting in headaches, cognitive difficulties, memory dysfunction, reduction in executive processing with associated anxiety, depression and frustration associated with said deficits; and
- e. Pain, anguish and a shock to his entire nervous system.

11. Some or all of the plaintiff's injuries are of a permanent nature.

12. As a further direct result of the subject collision, the plaintiff has incurred expenses of medical care and treatment, including hospital care, physicians, physical therapy, diagnostic imaging studies, and similar expenses for his care and treatment and may continue to do so in the future.

13. As a further direct result of the subject collision, the plaintiff's ability to pursue and enjoy life's usual activities has been impaired.

14. As a further direct result of the subject collision, the plaintiff has been unable to carry out his usual and day to day activities of life to the same extent and in the same manner that he was able to do prior to the date of the incident.

15. Upon information and belief, on November 22, 2016, and at all times material to this action, the defendant, City of New Haven, was a self-insured municipality and was self-insured for automobile insurance on municipal vehicles, including uninsured/underinsured motor vehicle coverage, as statutorily required by C.G.S. § 38a-336.

16. On November 22, 2016, the plaintiff, Officer Santiago, was operating a police cruiser in the course of his employment as a police officer for the City of New Haven's police department and, thus, qualified as an "insured" for purposes of uninsured motorist coverage.

17. As a police officer for the City of New Haven, who was injured by the negligent acts and/or omissions of an unidentified, uninsured motorist in the course of his employment while operating a police vehicle, the plaintiff is entitled to underinsured motorist benefits under the City of New Haven's self-insurance policy.

18. The plaintiff has fully complied with all statutory requirements in order to qualify for uninsured motorist benefits pursuant to the City's self-insurance.

19. The defendant is legally obligated to pay monetary damages to compensate the plaintiff for his injuries and losses in accordance with Connecticut General Statute § 38a-336 and the terms of the subject insurance policy.

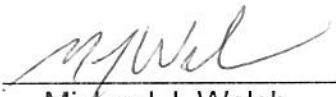
20. The plaintiff has made demand for such benefits by way of letters to the Corporation Counsel for the City of New Haven, but to date the defendant has not responded to the plaintiff's inquiries as to insurance coverage.

21. To date, the defendant, City of New Haven, has failed and/or refused to offer uninsured motorist benefits and/or compensation to the plaintiff.

WHEREFORE, the plaintiff claims:

1. Monetary and compensatory damages;
2. The cost of this suit; and
3. Such other damages and relief as the Court deems appropriate.

PLAINTIFF: JASON SANTIAGO

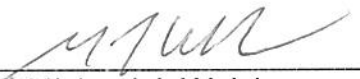
By: 
Michael J. Walsh
Walsh Woodard LLC
527 Prospect Avenue
West Hartford, CT 06105
Tele. No.: 860-549-8440
Juris No.: 412145

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STATEMENT OF AMOUNT IN DEMAND

The plaintiff demands damages in an amount greater than fifteen thousand (\$15,000.00) dollars, exclusive of interest and costs.

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